

1900-017 Chancery Causes: E. P. Garrison vs. J. M. Zion &
Lee Co.

Sprinkle, Pennington

CA-Debt
T-Property

To the Hon. H. A. W. Sheen, Judge of the Circuit Court of Lee County:

Your orator E. P. Garrison complaining sheweth unto the court that on the 9th day of December 1899, he recovered judgment against Martha Sprinkle, J. M. Zion and G. W. Pennington, before W. T. Orr a justice of said County of Lee for the sum of \$26⁰⁰, with interest thereon from the 18 day of October 1898, and \$1⁰⁰ costs; that on the day and date first aforesaid, execution issued thereon, for the said sum of \$26⁰⁰, and interest and costs aforesaid against the goods and chattels of the said Martha Sprinkle, J. M. Zion and G. W. Pennington, and placed in the hands of John Smyt a constable of said County of Lee for collection; that on the 13 day of Jan 1900, said execution was returned to the Clerk's office of the County Court of said County, not-executed, with the following endorsement written thereon by said constable, "The within execution not executed, no property found. This Jan 13 1900, John Smyt C. & C."

And on the day of Jan. 1900, the said judgment was duly docketed in the clerk's office of said County Court clerk, a copy of which judgment and execution is herewith filed, marked "A," and prayed to be read as a part of this bill; that there are other judgments, against each of said defendants individually and jointly with other defendants, but your orator is not apprised as to the amount of said judgments.

The said J. M. Zion is seized and possessed in his own right of a tract of land containing about twenty acres, situated in the said County of Lee east of Pennington Gap, and bounded by the lands of the Pennington Gap Improvement Company, G. M. Zion, J. K. P. Kelley, and the lands of W. T. Pennington (deceased).

The said G. W. Pennington also possesses ^{and owns} lands described in the ^{attested copy of} deed filed herewith, marked "Deed," and the said Martha Sprinkle has lands in fee simple, and equitable interests in other lands, but your orator is advised that the same will not sell for enough to

1 to satisfy the liens thereon. And your orator charges and avers
2 that the rents and profits of said lands will not in five years
3 be sufficient to satisfy the judgments which are liens thereon
4 and therefore your orator is advised that he has the right to
5 have said lands, or so much thereof as will be necessary, sold to satisfy
6 his said judgment liens thereon, and the costs of this suit.

7 In consideration whereof, and forasmuch as your orator is remediless save
8 in a court of equity, he prays that the said Mother Sprinkle, J.M.
9 Jion and G.M. Pennington be made defendants to this bill; that
10 they be required to answer the same but they need not do so on oath
11 that being waived; that proper process issue; that the said
12 lands, or so much thereof as may be necessary to satisfy
13 your orator's said lien and costs of suit and sale, be sold,
14 and the proceeds thereof be applied to the payment of
15 of said lien and costs; and that all such other further and
16 general relief be granted your orator as in the premises is just and right.
17 And your orator will ever pray, etc.

J.B. Noel p. 9.

24 Book No 6 Page 459
25 Decease Final Order
26 November Term 1900

28
29 for housing.
30 " 2nd Filing order D. H.
31 + 8 N.
32 1900 1st Filing order Bill
J.M. Jion et al

to P. Garrison
at Office in & Room

Pelff Costs
Court 3.86
Tax 1.52
Shiff 1.52
\$6.86

E. P. Garrison
vs
J. M. Fison et al } In Chancery

This cause came on this day to be heard upon the plaintiffs bill and the exhibits filed therewith, and was argued by counsel, and the said defendants failing to appear, to answer or demur, the bill is taken for confessed as to each of them, Therefore it is adjudged ordered and decreed that the said E. P. Garrison recover of the said J. M. Fison Martha Sprinkle and G. W. Pennington the sum of (\$25⁰⁰) twenty five dollars with interest on \$25⁰⁰ thereof from 1st day of Dec 1872, and the costs of this suit. And it appearing to the Court that the lands mentioned and described in said bill as belonging to the said J. M. Fison will in five years rent for enough to pay the claim of the said plaintiff, and all other liens upon said land it is therefore adjudged ordered and decreed that said lands be rented for such a period, not exceeding five years, for cash in hand, sufficiently ^{for the present} ~~large~~ to pay

as may be necessary to pay the said
plaintiffs demand, and the costs of
this suit, provided the same be not paid in 30 days.
And it is further adjudged ordered and
decreed that that J. B. Noel is hereby appointed
a commissioner to rent-said land, who
after having executed bond with the clerk
of this court, in a penalty of \$100,00 shall proceed
to rent-said lands after having advertised the
same in due form of law, according to the terms
of this decree, and out of the proceeds of said
renting shall pay the costs of this suit and costs
the commissions for renting, and the said plaintiffs
demand and report his action at the next term
of the court; and this cause is continued.

L. P. Garrison

vs. Decree

J. M. Giond-al

Enter
Haworth

6/12/1922

On - on Q. O. B. M. B.
Pm. 4/12.

Virginia---Lee County, To-Wit:

To John Smyth, Constable of said County.

I hereby command you to summon,

Susie E Sprinkle
J. M. Zinner & G. W. Cunningham

to be found in your District to appear at *my office* in

said county, on the *9th* day of *December* 189*9* before me or such other

Justice of said County, as may be there to try this warrant, to answer to me

E. P. Garrison
and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum
of \$ *25* due by *note* *owing the hon* and then and there make make
return of this warrant.

Given under my hand the *1st* day of *December* 189*9* *W T Orr* J. P.

E. P. Garrison } On the *9* day of *Dec* 189*9*.
Susie E Sprinkle } At *my office* in said County.
J. M. Zinner & G. W. Cunningham

JUDGMENT, That the Plaintiff recover of the Defendant \$ *25* with interest thereon from
18 the day of *oct* 189*8*, till paid, and \$ *100* for costs.

W T Orr J. P.

VIRGINIA--Lee County To-wit: To *John Smyth* Constable of
said County. I command you in the name of the Commonwealth of Virginia, that of the goods
and chattles of *Susie E Sprinkle J. M. Zinner & G. W. Cunningham*

, in your county, you cause to be made the sum of \$ *25*
with interest thereon from the *18* day of *oct* 189*8*, till paid which

E. P. Garrison has recovered before *me*
warrant in debt, and also the sum \$ *100* which were adjudged to the said

E. P. Garrison for cost in prosecuting said warrant.

Given under my hand the *9* day of *Dec* 189*9*. *W T Orr* J. P.

E. P. Garrison

vs

Susan E. Sprinkle
J. M. Grant & W.
Perrington

Executed Dec. 1st
1899 by summoning
Susan E. Sprinkle
J. M. Grant and
leaving written
summons for W.
Perrington at his
Usual Place of abode
John Smyth
JCS

The within execution
not executed, no
properly found
This Jan, 13 1900.
John Smyth
JCS

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Martha Sprinkle, J. M.*
Lion and G. M. Pennington

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *16th* Monday in *February 1900*, ~~1899~~, to answer a
bill in chancery exhibited against *them* in our said court by *E. P. Garrison*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *17th* day of *January 1900*, ~~1899~~, and in the 12 *4th* year of the
Commonwealth.

A. B. Munsey Clerk

Jan 26

Form No. 300½

E. P. Garrison

US.

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SUBPOENA

IN CHANCERY

Martha Sprinkle et al

J. L. Noel p. q.

To 1st Feby Rules.

1900. Circuit Court.

executed the 26 day of Jan 1900, as to Martha S. Sprinkle by delivering to her an attested copy of the within writ, and executed on the 30 day of January ¹⁹⁰⁰ as to J. W. Pennington by delivering to him an attested copy of said writ. And further executed on the 2 day of Feb. 1900, as to J. M. Zion, by leaving an attested copy of said writ posted at the front door of the usual place of abode, neither the said J. M. Zion, his wife or any other person who is a member of his family above the age of sixteen years, being found at said place of abode. This Feb. 2, 1900, O. P. Ely D.S.

for W. J. Milner S. L.